

UNITED STATES DISTRICT COURT
IN THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

VEDIA L. JONES,

Plaintiff,

Case No. 2:15-cv-13165-VAR-EAS

v.

CREDIT ACCEPTANCE
CORPORATION,

Defendant/Third-Party Plaintiff,

v.

KALEAYAH JACKSON,

Third-Party Defendant.

KALEAYAH JACKSON'S ANSWER TO
THIRD-PARTY COMPLAINT AND AFFIRMATIVE DEFENSES

NOW COMES Third-Party Defendant, KALEAYAH JACKSON, by and through her counsel, Stephen A. Thomas, Esq., and in response to Defendant/Third-Party Plaintiff CREDIT ACCEPTANCE CORPORATION'S Complaint hereby submit its Answer and Affirmative Defense(s) as follows:

ANSWER TO THIRD-PARTY COMPLAINT

1. Third-Party Defendant admits in part that she is an adult individual and denies she is residing in Wayne County, Michigan in that she lives in Macomb County.
2. Admitted.

3. Denied. Third-Party Defendant lacks information or knowledge sufficient with which to form a belief as to the truth of the allegation contained in paragraph 3 and thus denies same, leaving Defendant/Third-Party Plaintiff to its strict proofs.

4. Denied. Third-Party Defendant lacks information or knowledge sufficient with which to form a belief as to the truth of the allegation contained in paragraph 3 and thus denies same, leaving Defendant/Third-Party Plaintiff to its strict proofs.

5. Denied.

COUNT ONE - Indemnification

6. Third-Party Defendant hereby incorporated by reference her answers to the preceding paragraphs.

7. Denied. The allegations contained in paragraph 7 are conclusions of law to which no response is required, and Third-Party Defendant leaves Defendant/Third-Party Plaintiff to its strict proofs.

8. Denied. Third-Party Defendant further denies she provided (313) 957-XXXX to telephone number Defendant/Third-Party Plaintiff.

9. Denied.

10. Denied. Third-Party Defendant further denies she provided (313) 957-XXXX telephone number to Defendant/Third-Party Plaintiff.

11. Denied. Third-Party Defendant further denies she provided (313) 957-XXXX telephone number to Defendant/Third-Party Plaintiff.

12. Denied.

13. Denied.

14. Denied.

15. Denied.

COUNT TWO - Fraud

16. Third-Party Defendant hereby incorporated by reference her answers to the preceding paragraphs.

17. Denied.

18. Denied. Third-Party Defendant further denies she provided (313) 957-XXXX telephone number to Defendant/Third-Party Plaintiff.

19. Denied. Third-Party Defendant further denies she provided (313) 957-XXXX telephone number to Defendant/Third-Party Plaintiff.

20. Denied.

21. Denied.

22. Denied. Third-Party Defendant further denies she provided (313) 957-XXXX telephone number to Defendant/Third-Party Plaintiff.

23. Denied. Third-Party Defendant further denies she provided (313) 957-XXXX telephone number to Defendant/Third-Party Plaintiff.

24. Denied. Third-Party Defendant further denies she provided (313) 957-XXXX telephone number to Defendant/Third-Party Plaintiff.

25. Denied.

26. Denied. Third-Party Defendant further denies she provided (313) 957-XXXX telephone number to Defendant/Third-Party Plaintiff.

27. Denied.

COUNT THREE - Fraudulent Misrepresentation

28. Third-Party Defendant hereby incorporated by reference her answers to the preceding paragraphs.

29. Denied. Third-Party Defendant further denies she provided (313) 957-XXXX telephone number to Defendant/Third-Party Plaintiff.

30. Denied.

31. Denied.

32. Denied.

33. Denied. Third-Party Defendant further denies she provided (313) 957-XXXX telephone number to Defendant/Third-Party Plaintiff.

34. Denied.

COUNT FOUR - Negligent Misrepresentation

35. Third-Party Defendant hereby incorporated by reference her answers to the preceding paragraphs.

36. Denied. Third-Party Defendant further denies she provided (313) 957-XXXX telephone number to Defendant/Third-Party Plaintiff.

37. Denied. Third-Party Defendant further denies she provided (313) 957-XXXX telephone number to Defendant/Third-Party Plaintiff.

38. Denied. Third-Party Defendant further denies she provided (313) 957-XXXX telephone number to Defendant/Third-Party Plaintiff.

39. Denied.

40. Denied. Third-Party Defendant further denies she provided (313) 957-XXXX telephone number to Defendant/Third-Party Plaintiff.

41. Denied.

COUNT FIVE - Innocent Misrepresentation

42. Third-Party Defendant hereby incorporated by reference her answers to the preceding paragraphs.

43. Denied. Third-Party Defendant further denies she provided (313) 957-XXXX telephone number to Defendant/Third-Party Plaintiff.

44. Denied.

45. Denied.

46. Denied.

47. Denied. Third-Party Defendant further denies she provided (313) 957-XXXX telephone number to Defendant/Third-Party Plaintiff.

48. Denied.

COUNT SIX - Breach of Contract

49. Third-Party Defendant hereby incorporated by reference her answers to the preceding paragraphs.

50. Denied. Third-Party Defendant lacks information or knowledge sufficient with which to form a belief as to the truth of the allegation contained in paragraph 50, and thus denies same, leaving Defendant/Third-Party Plaintiff to its strict proofs.

51. Denied. Third-Party Defendant lacks information or knowledge sufficient with which to form a belief as to the truth of the allegation contained in paragraph 51, and thus denies same, leaving Defendant/Third-Party Plaintiff to its strict proofs.

52. Denied. Third-Party Defendant lacks information or knowledge sufficient with which to form a belief as to the truth of the allegation contained in paragraph 52, and thus denies same, leaving Defendant/Third-Party Plaintiff to its strict proofs.

53. Denied. Third-Party Defendant further denies she provided (313) 957-XXXX telephone number to Defendant/Third-Party Plaintiff.

54. Denied.

55. Denied.

56. Denied.

AFFIRMATIVE DEFENSES

Third-Party Defendant has been advised by counsel that until there has been complete discovery in this case, a final determination cannot be made as to whether Defendant/Third-Party Plaintiff's claims are barred in whole or in part by the following defenses and other matters asserted in these Affirmative Defenses. Therefore, in order to preserve and not waive such defenses and other matters, Third-Party Defendant, by and through her undersigned counsel, sets forth the following Defenses and reserves the right to add such additional Defenses to which she may be entitled:

1. Plaintiff has failed to state a claim upon which relief may be granted.

WHEREFORE, Third-Party Defendant prays that this Court dismiss the Third-Party Complaint of the Defendant/Third-Party Plaintiff herein, with attorney fees,

costs and disbursements to Third-Party Defendant, together with such other relief the Court finds to be just and proper.

Respectfully submitted,

February 15, 2016

/s/ Stephen A. Thomas
STEPHEN A. THOMAS P43260
Attorney for Third-Party Defendant
645 Griswold St., Suite 1360
Detroit, Michigan 48226
313-965-2265
sthomas@313965bank.com

CERTIFICATE OF SERVICE

I, Stephen A. Thomas, hereby state that on February 15, 2016, the foregoing document was filed using the court's CM/ECF System and all counsel of record will receive the same.

/s/ Stephen A. Thomas